

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EQUAL EMPLOYMENT OPPORTUNITY	:	
COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
and	:	
	:	CASE NO.: WDQ 02-CV-648
KATHY KOCH,	:	
	:	
Intervenor/Plaintiff,	:	JURY DEMANDED
	:	
v.	:	
	:	
LA WEIGHT LOSS CENTERS, INC.,	:	
	:	
Defendant.	:	
	:	

JOINT MOTION TO EXTEND DISCOVERY AND MODIFY SCHEDULE

Pursuant to the Federal Rules of Civil Procedure, Rule 105 of the Local Rules of the United States District Court for the District of Maryland and the Court's May 25, 2004, Order Regarding Bifurcation and Scheduling (the "Order"), plaintiff EEOC and defendant LA Weight Loss Centers, Inc. (the "Parties") respectfully request that the Court enter an order extending the non-expert discovery period in this matter by six (6) months, extending the expert discovery period from three (3) to four (4) months, and adjusting all other dates set forth in the Order accordingly.

In support of this Motion, the Parties represent that they have diligently engaged in discovery. To date, the Parties have exchanged in excess of 300,000 documents and taken approximately 60 depositions, including over 30 class claimants. Notwithstanding the Parties' efforts, they will not be able to complete discovery by the current July 26, 2005, deadline. The

following factors give rise to this Motion: (1) the complexity of the factual and logistical issues of a nationwide class action involving a purported pattern or practice of discrimination in over 25 states and jurisdictions; (2) a current, but purportedly growing, class of approximately 235 allegedly aggrieved persons, nearly fifty of whom remain to be deposed out of 80 claimant designees; (3) a large number of non-party witnesses in several states whom must be deposed; (4) ongoing document production, including a potentially enormous volume of electronic material and data requiring analysis by the Parties; and (5) a six-month period of settlement negotiations mediated by the Honorable Judge Grimm, which slowed the Parties' discovery considerably.

Accordingly, for good cause shown, the Parties request that the Order be modified as follows: Non-expert discovery shall conclude on January 25, 2006; plaintiff EEOC shall name expert witnesses and serve defendant LA Weight Loss Centers, Inc. with expert report(s) on or before February 27, 2006; defendant LA Weight Loss Centers, Inc. shall name expert witnesses and serve plaintiff EEOC with expert report(s) on or before March 27, 2006; expert discovery shall be completed by May 25, 2006; dispositive motions with respect to Stage I issues shall be filed on or before June 26, 2006; and plaintiff EEOC shall file its opposition and cross motion, if any, on or before July 26, 2006.

Plaintiff EEOC has authorized counsel for defendant LA Weight Loss Centers, Inc. to file this Joint Motion on behalf of both parties.

Respectfully submitted,

/ s /

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Dated: July 25, 2005

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KATHY KOCH,	:	
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Intervenor/Plaintiff,	:	JURY DEMANDED
	:	
v.	:	
	:	
LA WEIGHT LOSS CENTERS, INC.,	:	
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this _____ day of July, 2005, it is hereby ORDERED that plaintiff Equal Employment Opportunity Commission's and defendant LA Weight Loss Centers, Inc.'s Joint Motion to Extend Discovery and Modify Schedule is GRANTED.

Quarles, J.